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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,366	10/03/2003	Gregg D. Wilensky	07844-617001	4008
21876 7590 02/28/2008 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022				
			EXAMINER SMITH, JEFFREY S	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 02/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/678,366

Applicant(s)

WILENSKY, GREGG D.

Examiner

Jeffrey S. Smith

Art Unit

2624

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey S. Smith.

(3) Daniel Burns 50,222.

(2) Brian Werner.

(4) Matt Browning law clerk.

Date of Interview: 01 February 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1 and 25.

Identification of prior art discussed: U.S. Patent No. 6,728,421, articles by Pizer et al. and Leszczynski et al. cited in the PTO 892 mailed 12/11/2007.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



BRIAN WERNER  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants agreed to evaluate proposed claim 1 in light of Pizer and Leszczynski and to identify support in the application as filed for the changes in the claim. Proposed claim 25 would be statutory under 35 USC 101 if amended to recite a "computer readable storage device storing a computer program of instructions which, when executed by a computer processing apparatus, cause the apparatus to perform a method comprising" because page 18 of the application draws a distinction between a computer readable storage device and a propagated signal. Such an amendment would therefore remove the propagated signal from the scope of the claim.

FISH &amp; RICHARDSON P.C.

SUBSTITUTE PTOL-43A (OS-OS)

**Applicant Initiated Interview Request Form**

Application No. : 10/678,366 First Named Applicant: Gregg D. Wilensky

Examiner: Jeffrey S. Smith Art unit: 2624 Status of Application: Published

**Tentative Participants:**(1) Examiner Jeff Smith(2) Daniel J. Burns(3) Matthew Browning

(4) \_\_\_\_\_

**Proposed Date of Interview:** February 1, 2008**Proposed Time:** 11:00 EST ( AM )**Type of Interview Requested:**(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference**Exhibit To Be Shown or Demonstrated:** ☐ YES ☒ NO

if yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) 103 Rejection	1	Kokemohr, Leszczynski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) 101 Rejection	25		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached**Brief Description of Arguments to be Presented:**Discuss proposed amendment to claim 1 in view of the cited art and discuss proposed amendment to claim 25 in regards to the 101 rejection.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/Daniel J. Burns/

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

Daniel J. Burns

Typed/Printed Name of Applicant or Representative

50,222

Registration Number, if applicable

Attorney Docket Number: 07844-617001  
50461700.doc

Attorney Docket No. 07844-617001

## PROPOSED CLAIM AMENDMENT

1. (Currently amended) A method for processing an image, the method comprising:
- ~~determining a first tone value for a location within the image based upon attributes of pixels within a first automatically determined neighborhood surrounding the location, the first tone value specifying a local weight for a first tone adjustment in the image;~~
  - ~~\_\_\_\_\_ determining a second tone value for the location based upon attributes of pixels within a second automatically determined neighborhood surrounding the location, the second tone value specifying a local weight for a second tone adjustment in the image;~~
  - ~~and~~
  - ~~\_\_\_\_\_ adjusting the image at the location using the first and second tone adjustments according to the local weights specified by the first and second tone values, respectively.~~
  - \_\_\_\_\_ identifying one or more neighborhood size parameters, one or more tone function shape parameters, and one or more tone adjustment strength parameters; and
  - \_\_\_\_\_ for each location of multiple locations within the image, performing tone selective adjustment, where performing tone selective adjustment comprises:
    - \_\_\_\_\_ determining a neighborhood comprising an area of the image surrounding the location that is based on at least one of the one or more neighborhood size parameters;
    - \_\_\_\_\_ determining a plurality of tone values for the location based on attributes of pixels within the neighborhood and at least one of the one or more tone function shape parameters, each tone value representing a characterization of a tone of the neighborhood;
    - \_\_\_\_\_ for each of the one or more tone values, determining a local weight for a tone adjustment based on the tone value and at least one of the one or more tone strength adjustment parameters; and
    - \_\_\_\_\_ adjusting the image at the location using the local weights for tone adjustment.
25. (Currently Amended) A software product, embodied in a tangible computer-readable medium, for processing an image, the software product comprising instructions operable to cause one or more computer processing apparatus to perform operations computer readable

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medium storing a computer program of instructions which, when executed by a computer processing apparatus, cause the apparatus to perform a method comprising:

determining a first tone value for a location within the image based upon attributes of pixels within a first automatically determined neighborhood surrounding the location, the first tone value specifying a local weight for a first tone adjustment in the image;

determining a second tone value for the location based upon attributes of pixels within a second automatically determined neighborhood surrounding the location, the second tone value specifying a local weight for a second tone adjustment in the image; and

adjusting the image at the location using the first and second tone adjustments according to the local weights specified by the first and second tone values, respectively.

identifying one or more neighborhood size parameters, one or more tone function shape parameters, and one or more tone adjustment strength parameters; and

for each location of multiple locations within the image, performing tone selective adjustment, where performing tone selective adjustment comprises:

determining a neighborhood comprising an area of the image surrounding the location that is based on at least one of the one or more neighborhood size parameters;

determining a plurality of tone values for the location based on attributes of pixels within the neighborhood and at least one of the one or more tone function shape parameters, each tone value representing a characterization of a tone of the neighborhood;

for each of the one or more tone values, determining a local weight for a tone adjustment based on the tone value and at least one of the one or more tone strength adjustment parameters; and

adjusting the image at the location using the local weights for tone adjustment.